

EPA GUIDANCE FOR UTILIZATION OF S/M/WBE IN PROCUREMENT
UNDER ASSISTANCE AGREEMENTS

ATTACHMENTS

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*Attachment 3 available upon request from OSDDBU.

**U.S. ENVIRONMENTAL PROTECTION AGENCY
MBE/WBE UTILIZATION UNDER FEDERAL GRANTS, COOPERATIVE
AGREEMENTS, AND INTERAGENCY AGREEMENTS**

PART 1. (NEGATIVE REPORTS ARE REQUIRED)

1A. FEDERAL FISCAL YEAR 19_____	1B. REPORTING QUARTER (Check appropriate box) --- --- --- --- ---1st(Oct-Dec) --- 2nd(Jan-Mar) --- 3rd(Apr-Jun) --- 4th(Jul-Sep) --- Annual						
2. FEDERAL FINANCIAL ASSISTANCE AGENCY (EPA. Office, Address)		3. REPORTING RECIPIENT (Name and Address)					
2A. REPORTING CONTACT	PHONE:	3A. REPORTING CONTACT	PHONE:				
4A. FINANCIAL ASSISTANCE AGREEMENT ID NUMBER		4B. FEDERAL FINANCIAL ASSISTANCE PROGRAM					
5A. TOTAL GRANT AMOUNT \$		5B. TOTAL CONTRACT/PROCUREMENT AMOUNT THIS QUARTER \$					
		5C. RECIPIENT'S MBE/WBE GOALS <table style="width:100%; border: none;"> <tr> <td style="width:25%; text-align: center;">MBE</td> <td style="width:25%; text-align: center;">%</td> <td style="width:25%; text-align: center;">WBE</td> <td style="width:25%; text-align: center;">%</td> </tr> </table>		MBE	%	WBE	%
		MBE	%	WBE	%		
5D. ACTUAL MBE/WBE PROCUREMENT ACCOMPLISHED THIS REPORTING PERIOD <table style="width:100%; border: none;"> <tr> <td style="width:50%; text-align: center;">MBE \$</td> <td style="width:50%; text-align: center;">WBE \$</td> </tr> </table>			MBE \$	WBE \$	5E. NEGATIVE REPORT (Check) --- --- SEE INSTRUCTIONS		
MBE \$	WBE \$						
6. COMMENTS:							
7. NAME OF AUTHORIZED REPRESENTATIVE			TITLE				
8. SIGNATURE OF AUTHORIZED REPRESENTATIVE			DATE				

MBE/WBE PROCUREMENTS MADE DURING QUARTER

PART II.

Procurement Made By		Business Enterprise		\$ Value of Procurement	Date of Award MM/DD/YY	Type of Product or Service ¹ (Enter Code)	Name/Address of MBE/WBE Contractor or Vendor
Recipient	Other	Minority	Women				

¹Type of product or service codes:

1 = Agriculture
2 = Mining
3 = Construction
4 = Manufacturing

5 = Transportation
6 = Wholesale Trade
7 = Retail Trade
8 = Finance, Insurance, Real Estate

9 = Services
a = Business Services
b = Professional Services
c = Repair Services
d = Personal Services

10 = Other

INSTRUCTIONS

MBE/WBE UTILIZATION UNDER FEDERAL GRANTS, COOPERATIVE AGREEMENTS, AND INTERAGENCY AGREEMENTS EPA FORM 5700-52A

A. General Instructions:

MBE/WBE utilization is based on Executive Orders 11625, 12138, 12432, P.L. 102-389 and EPA Regulations Part 30 and 31. EPA Form 5700-52A must be completed by recipients of Federal grants, cooperative agreements, or other Federal financial assistance which involve procurement of supplies, equipment, construction or services to accomplish Federal assistance programs.

Recipients are required to report to EPA within one month following the end of each Federal fiscal year quarter or annually as in the agreement.

B. Definitions:

Procurement is the acquisition through order, purchase, lease or barter of supplies, equipment, construction or services needed to accomplish Federal assistance programs.

A *contract* is a written agreement between an EPA recipient and another party (other than another public agency) and any lower tier agreement for equipment, services, supplies, or construction necessary to complete the project. Includes personal and professional services, agreements with consultants, and purchase orders.

A *minority business enterprise* (MBE) is a business concern that is (1) at least 51 percent owned by one or more minority individuals, or, in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more minority individuals; and (2) whose daily business operations are managed and directed by one or more of the minority owners.

U.S. citizenship is required. Recipients shall presume that minority individuals include Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, or other groups whose members are found to be disadvantaged by the Small Business Act or by the Secretary of Commerce under section 5 of Executive order 11625. The reporting contact at EPA can provide additional

information.

A *woman business enterprise* (WBE) is a business concern that is, (1) at least 51 percent owned by one or more women, or, in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more women and (2) whose daily business operations are managed and directed by one or more of the women owners.

Business firms which are 51 percent owned by minorities or women, but are in fact managed and operated by non-minority individuals do not qualify for meeting MBE/WBE procurement goals.

The following affirmative steps for utilizing MBEs and WBEs are required to be documented:

1. Inclusion of MBEs/WBEs on solicitation lists.
2. Assure MBEs/WBEs are solicited once they are identified.
3. Where feasible, divide total requirements into smaller tasks to permit maximum MBE/WBE participation.
4. Where feasible, establish delivery schedules which will encourage MBE/WBE participation.
5. Encourage use of the services of the U.S. Department of Commerce's Minority Business Development Agency (MBDA) and the U.S. Small Business Administration to identify MBEs/WBEs.
6. Require that each party to a subgrant, subagreement, or contract award take the affirmative steps outlined here.

C. Instructions for Part I:

- 1. Complete Federal fiscal year and check applicable reporting box quarterly or annually. (Federal fiscal year runs from October 1 through September 30.)**
- 2. "Will be provided by EPA."**
- 3. Identify the agency, state authority, university or other organization which is the recipient of the Federal financial assistance and the person to contact concerning this report.**
- 4a. Grant/cooperative agreement or Interagency Agreement number assigned by EPA.**
- 4b. Refer back to grant document for this information.**
- 5a. Total grant amount which includes Federal funds plus recipient matching funds and funds from other sources.**
- 5b. Total contracts/procurements awarded this quarter. For example: Actual dollars for procurement from the procuring office; actual contracts let from the contracts office; actual goods, services, supplies, etc., from other sources including the central purchasing/procurement centers).**
- 5c. Portion of total procurement dollars recipient plans to spend with MBEs or WBEs this fiscal year. With the concurrence of EPA, a fair share goal shall be determined by each recipient.**
- 5d. Dollar amount of all MBE/WBE procurement amounts awarded under this reporting period. (These amounts include the Federal, State and local shares in the procurement awards).**
- 5e. Check only if no procurements were made this reporting period. (If dollar amounts are shown in 5b. indicate reason in 6. Comments Section).**
- 6. Additional comments or explanations. Please refer to specific item number(s) if appropriate.**
- 7. Name and title of official administrator or designated reporting official.**
- 8. Signature and month, day year report submitted.**

D. Instructions for Part II:

For each MBE/WBE procurement made under this assistance agreement during the reporting period, provide the following information:

- 1. Check whether this is a *first tier* procurement made directly by Federal financial assistance recipient or other *second tier* procurement made by recipient's subgrantee or prime contractor. Include all qualifying second tier purchases executed this quarter regardless of when the first tier procurement occurred.**
- 2. Check MBE or WBE.**
- 3. Dollar value of procurement.**
- 4. Date of award, shown as month, day, year.**
- 5. Using codes at the bottom of the form, identify type of product or service acquired through this procurement (eg., enter 1 if agriculture, 2 if mining, etc).**
- 6. Name and address of MBE/WBE firm.**

This data is requested to comply with provisions mandated by: statute or regulations (40 CFR Part 30 and 31); OMB Circulars; or added by EPA to ensure sound and effective assistance management. Accurate, complete data are required to obtain funding, while no pledge of confidentiality is provided.

The public reporting and recording burden for this collection of information is estimated to average 1 hour per response annually. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclosure or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2136), 401 M St., S.W., Washington, D.C. 20460. Include the OMB Control number in any correspondence. Do not send the completed form to this address.

US ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION
WASHINGTON, DC 20460



QUARTERLY MBE/WBE CONSOLIDATION REPORT

FISCAL YEAR	REGION	REGIONAL FAIR SHARE	PREPARED BY				DATE
			1st Federal FY Quarter	2d Federal FY Quarter	3d Federal FY Quarter	4th Federal FY Quarter	Quarterly Cumulative
Total Grant or Cooperative Agreement Subagreement Dollars Awarded			\$	\$	\$	\$	\$
Total Subagreement Dollars Awarded to MBEs			\$	\$	\$	\$	\$
			%	%	%	%	
Total Subagreement Dollars Awarded to WBEs			\$	\$	\$	\$	\$
			%	%	%	%	
GRANT/COOPERATIVE AGREEMENT ACTIVITY			FISCAL YEAR QUARTER				
			MBE	STATE(S) ²	WBE	STATE(S) ²	
Air (Section 105)			\$		\$		
Water (Section 106)							
Drinking Water (PWSS)							
Operator Training							
Underground Injection Control (UIC)							
Hazardous Waste							
Pesticides Enforcement							
Pesticides Certification and Training							
Rural Water Association							
Clean Lakes							
Research and Development							
Superfund (State)							
WWT Construction Grants							
Allowance (Applies to step 2+3 and step 3P)							
Other			\$		\$		

¹This figure reflects the accumulation of fiscal year cumulative reporting (e.g., quarterly cumulative will be a cumulation of quarters 1 and 2, etc.).

² and ³ — See reverse side for explanation.

²Use this line to report the allowance portion of Step 2+3 and Step 3 A/E subagreement awards.

³Use this line to break out minority and women's business participation by State for a particular grant/cooperative agreement activity. If additional space is required, indicate "See Reverse," then show the overall figure on the front side of the form.

EXAMPLE

	MBE	STATE(s)	WBE	STATE(s)
WWT Construction Grants	\$310,000	See Reverse	\$67,000	See Reverse
Allowance <i>(applies to Step 2+3 and Step 3)</i>	65,000	See Reverse	18,600	See Reverse

On this side, show the breakout by State in the space below or attach a separate sheet.

EXAMPLE

STATES	CONSTRUCTION		ALLOWANCE	
	MBE	WBE	MBE	WBE
NJ	\$100,000	\$22,000	\$21,000	\$6,600
VI	10,000	0	2,000	0
PR	50,000	10,000	10,000	3,000
NY	150,000	35,000	32,000	9,000
	<u>\$310,000</u>	<u>\$67,000</u>	<u>\$65,000</u>	<u>\$18,600</u>

Entries to be made for any of the other grant/cooperative agreement activities should be handled accordingly.

**QUARTERLY MBE/WBE CONSOLIDATION REPORT**[illegible]

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
U.S. ENVIRONMENTAL PROTECTION AGENCY
AND THE
MINORITY BUSINESS DEVELOPMENT AGENCY

INTRODUCTION

This Memorandum of Understanding (MOU) provides the details of a working relationship between the U.S. Environmental Protection Agency [hereinafter, EPA] and the Minority Business Development Agency [hereinafter, MBDA]. EPA and MBDA will enter into a joint arrangement which will be known as the "EPA/MBDA Minority Assistance Program."

The EPA/MBDA program will combine the resources of both agencies in a manner designed to assist minority business to enhance their participation in contracts under EPA grants and cooperative agreements. This program is designed to enhance EPA responsibilities under Executive Order (EO) 12432 and MBDA's objective to provide assistance to minority business.

WHEREAS, the MBDA, U.S. Department of Commerce, has specific authority to establish policies and programs for the development of minority business enterprises; and,

WHEREAS, the MBDA, U.S. Department of Commerce, has been designated by the Cabinet Council on Commerce and Trade to assist the Council in its implementation of EO 12432; and,

WHEREAS, it is the policy of EPA to encourage and assist its grantees to implement effective programs of minority subcontracting that will meet requirements of EO 12432 and President Reagan's minority business objectives announced December 17, 1982; in accordance with the Secretary of Commerce's uniform program guidance issued to EPA, November 22, 1983;

Now, Therefore, EPA and MBDA agree as follows:

A. MBDA Responsibilities

1. MBDA agrees to coordinate use of its electronic mail system for the purposes of receiving EPA notices of potential grant awards as well as notices of minority subcontracting opportunities under EPA grants and cooperative agreements.
2. MBDA, as appropriate, will encourage its Minority Business Development Centers (MBDCs) to identify minority firms interested in and capable of participating in procurements under EPA grants and cooperative agreements, and to the extent feasible, will provide business management and technical information to those minority businesses identified.

2.

3. MBDA will provide EPA information on the results of this program.
4. MBDA Regional Directors will establish and maintain a liaison program with EPA regional staff in support of this program.
5. MBDA will coordinate training with EPA for MBDA regional offices and funded organizations to implement this program.
6. MBDA will encourage its MBDCs to work directly with EPA designated state offices.

B. EPA Responsibilities

1. EPA will provide notices of potential grant and cooperative agreement awards to MBDCs through the MBDA electronic mail system, or other appropriate procedures.
2. EPA regional staff will provide MBDCs with information on procurement opportunities under EPA awarded grants and cooperative agreements in a timely and systematic manner through the MBDA electronic mail system or other appropriate procedures.
3. EPA regional staff will encourage all award recipients to notify MBDCs of any pre-bid conferences and ensure that minority entrepreneurs are notified and encouraged to attend such conferences.
4. EPA will designate a representative to monitor the progress made under this agreement and will prepare quarterly reports as part of its reports under EO 12432 through the use of the MBDA-91 Form.
5. EPA will share information on its programs and policies, as needed, with MBDA.
6. If EPA decides to make use of the MBDA electronic mail system, prior to such utilization EPA will enter into an interagency agreement with MBDA under the Economy Act of 1932, as amended (31 U.S.C. §1535) to reimburse MBDA for the use of this service.
7. EPA will encourage recipients of its grants and cooperative agreements to use MBDCs to comply with EPA minority subcontracting requirements.

3.

C. Monitoring

The MBDA and EPA will participate in the monitoring of this agreement. EPA will have primary responsibility for evaluating the results of this agreement as part of EO 12432 reporting procedure.

D. Duration

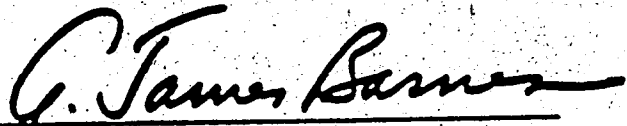
This agreement is effective when signed by both agencies. Either party may terminate this agreement provided that a thirty-day advance notice in writing is provided to the other party.

E. Effective

Signed in Washington, District of Columbia this 13th day of Aug. 1985.



James H. Richardson Gonzales
Director
Minority Business Development Agency



A. James Barnes
Deputy Administrator
U.S. Environmental Protection Agency